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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 March 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated

by Cohen et al., (hereinafter Cohen), (US Patent No. 7,035,926).

In reference to claim 1, Cohen teaches a method / system comprising: identifying

a web page that a user is viewing [column 1, lines 38-41];

determining the presence of other users at or near the web page that the user is

viewing [column 1, lines 42-44];

calculating a virtual distance between the web page that the user is viewing and

web pages viewed by the other users [column 2, lines 30-39];

displaying for the user a listing of the other users determined to be within a pre-

determined virtual distance from the web page that the user is viewing [column 1, lines

42-47, column 2, lines 30-39]; and

enabling the user to communicate with one or more users selected from the displayed listing of other users [column 1, lines 48-56].

In reference to claim 2, Cohen teaches the method / system of claim 1 wherein: identifying a web page further comprises receiving a Uniform Resource Identifier (URI) address of the web page that the user is viewing [column 1, lines 38-40].

In reference to claim 3, Cohen teaches the method / system of claim 1 wherein: the presence of other users is determined by a distance mapping technique [column 4, lines 37-43].

In reference to claim 4, Cohen teaches the method / system of claim 3 wherein: the distance mapping technique comprises identifying users viewing web pages having words or phrases of cognitive similarity [column 4, lines 43-49].

In reference to claim 5, Cohen teaches the method / system of claim 3 wherein: the distance mapping technique comprises comparing a Uniform Resource Identifier (URI) address of the web page that the user is viewing to URI addresses of web pages being viewed by other users [column 7, lines 11-20].

In reference to claim 6, Cohen teaches the method / system of claim 1 wherein: displaying for the user a listing of the other users further comprises displaying the listing of other users in a graphical user interface (GUI) [column 7, lines 41-44].

In reference to claim 7, Cohen teaches the method / system of claim 6 wherein: the GUI comprises a web browser [column 1, lines 60-63 and column 9, lines 29-35].

In reference to claim 8, Cohen teaches the method / system of claim 1 further comprising: enabling the user to view profile data associated with one or more users selected from the displayed listing of other users [column 9, lines 35-30].

In reference to claim 9, Cohen teaches the method / system of claim 8 wherein: the profile data comprises one or more of contact information, demographic information, profession, hobbies, or interests [column 9, lines 35-30].

In reference to claim 10, Cohen teaches the method / system of claim 1 wherein: enabling the user to communicate with one or more users selected from the displayed listing of other users further comprises enabling the user to instant message one or more users selected from the displayed listing of other users [column 12, lines 27-44].

In reference to claim 18, Cohen teaches a method / system comprising: means for identifying a web page that a user is viewing [column 1, lines 38-41];

means for determining the presence of other users at or near the web page that the user is viewing [column 1, lines 42-44];

means for calculating a virtual distance between the web page that the user is viewing and web pages viewed by the other users [column 2, lines 30-39];

means for displaying for the user a listing of the other users determined to be

within a predetermined virtual distance from the web page that the user is viewing

[column 1, lines 42-47, column 2, lines 30-39]; and

means for enabling the user to communicate with one or more users selected

from the displayed listing of other users [column 1, lines 48-56].

In reference to claim 19, Cohen teaches a method / system comprising:

identifying a data object that a user is accessing [column 1, lines 38-41];

determining a listing of other users that are currently accessing or that have

recently accessed the data object [column 1, lines 42-44];

displaying for the user the listing of the other users filtered based on an affinity

between data associated with the user and data associated with the other users

[column 1, lines 42-47, column 2, lines 30-39]; and

enabling the user to communicate with one or more users selected from the

displayed listing of other users [column 1, lines 48-56].

Claim Rejections - 35 USC § 103

3.   Claims 11, 13-14, 16-17 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cohen as applied to claim1 above, and further in view of Nachman et

al., (US Publication No. 2001/0027474), (hereinafter Nachman).

Regarding claim 11, Cohen does not specifically disclose enabling the user to communicate with one or more users selected from the displayed listing of other users further comprises enabling the user to e-mail one or more users selected from the displayed listing of other users. However, Nachman, in the same field of endeavor discloses using email [paragraphs 41 and 44]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include email as an option in order to provide additional communication means.

Regarding claim 13, Cohen-Nachman further discloses enabling the user to communicate with one or more users selected from the displayed listing of other users further comprises enabling the user to initiate a transaction with one or more users selected from the displayed listing of other users [Nachman, paragraphs 18 and 21].

Regarding claim 14, Cohen-Nachman further discloses the transaction comprises an exchange of currency [Nachman, paragraph 45].

Regarding claim 16, Cohen-Nachman further discloses enabling the user to execute a search query a against a search engine [Nachman, paragraph 20].

Regarding claim 17, Cohen-Nachman further discloses results of the search query comprise a listing of one or more web pages, and wherein each of the one or more web

pages listed is displayed with an associated visual indicator displaying a number of

users currently viewing that respective web page [Nachman, paragraph 40].

Regarding claim 20, Cohen-Nachman further discloses wherein the affinity between the

data associated with the user and data associated with the other users is determined

using similarity of profile attributes [Nachman, paragraphs 40-41].

4.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen-

Nachman as applied to claim 1 above, and further in view of Wengrovitz, (US

Publication No. 2005/0141688).

Regarding claim 12, Cohen-Nachman does not specifically disclose enabling the user to

communicate with one or more users selected from the displayed listing of other users

further comprises enabling the user to initiate a voice over Internet protocol (VoIP)

communication with one or more users selected from the displayed listing of other

users. However, Wengrovitz, in the same field of endeavor, discloses presence

notification [Wengrovitz, paragraph 6, lines 6-13] with VoIP [Wengrovitz, paragraph 5,

lines 8-14]. It would have been obvious to one having ordinary skill in the art at the time

the invention was made to incorporate voice over Internet Protocol communication via

presence notification listing in order to increase the multi-media communication options

on-line.

5.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen-

Nachman as applied to claim 13 above, and further in view of Pugliese III et al.,

(hereinafter Pugliese), (US Publication No. 2001/0016825).

Regarding claim 15, Cohen-Nachman does not specifically disclose the transaction

comprises an exchange of at least one of airline frequent flier miles, or affinity program

points. However, Pugliese, discloses charging frequent flier miles [Pugliese, paragraph

65, lines 11-19]. It would have been obvious to one having ordinary skill in the art at the

time the invention was made to incorporate frequent flier miles as a financial

transactions to increase the client's options for financial payments.

Response to Arguments

6.   Applicant's arguments filed 03/31/2008 have been fully considered but they are

not persuasive.

A – Applicant argues "Cohen does not appear to disclose, teach or suggest, or make

obvious at least calculating a virtual distance between the web page that the user is

viewing and web pages viewed by the other users".

A – Cohen discloses a selected group of mutually-linked virtual places, or other

resources available via a computer network are mapped, so as to identify the places

and the links between them. When computer users access any of the virtual places, the

users virtual locations, or the resources that they are accessing, are tracked,
substantially in real time. The user locations are then registered with the map, so that it
is possible to determine at any given time which users, and how many of the users, are
to be found at which locations [Cohen, column 2, lines 30-39].

B – Applicant argues "This text, however, does not even mention, much less disclose
displaying for the user the listing of the other users filtered based on an affinity between
data associated with the user and data associated with the other users".

B - Cohen discloses a selected group of mutually-linked virtual places, or other
resources available via a computer network are mapped, so as to identify the places
and the links between them. When computer users access any of the virtual places, the
users virtual locations, or the resources that they are accessing, are tracked,
substantially in real time. The user locations are then registered with the map, so that it
is possible to determine at any given time which users, and how many of the users, are
to be found at which locations [Cohen, column 2, lines 30-39].

7.   Applicant's arguments with respect to claims 11-17 have been considered but are
moot in view of the new ground(s) of rejection.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is

(571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM -

4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145